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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,294

06/16/2005

Jesper Henrik Faurholdt

IPB.017

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EXAMINER

DREIDAME, HUNTER M

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,294	Applicant(s) FAURHOLDT ET AL.	
	Examiner HUNTER M. DREIDAME	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/16/2005, 9/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDSs) submitted on 16 June 2005 and 22 September 2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the longitudinally extending cord member, dots, short sections, weakening section, groove must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 7 and 9 are objected to for the following reason:

Claims 7 and 9 recite the limitation "the end portion" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,543,753 to Sonneborn et al. in view of U.S. Patent 6,401,402 to Williams.

As to claim 1, Sonneborn et al. disclose a sheet flashing member (see marked figure) comprising a sheet section (see marked figure) defining a plane and including a main portion (see marked figure) as well as first and second corner segments (see marked figure), the main portion extending along a portion of a roof penetrating structure and the corner segments extending along other portions of the roof penetrating structure perpendicularly to the main portion, and at least one flange (see marked figure) arranged at an angle relative to the plane of the sheet section and adapted to engage a surface of a roof penetrating building structure.

Sonneborn et al. do not disclose that at least one of said comer segments at a surface thereof comprises at least one indication indicating a pattern, such that at least a part of the sheet section may be separated from the remaining part of the flashing member along the indications in order to transform the respective comer segment from an initial state to a transformed state.

Williams discloses a flashing sheet member (Fig. 1) wherein a corner segment at least one indication (30) indicating a pattern, such that at least a part of the sheet section may be separated (removed from the plane 25H, as shown in Fig. 3) from the remaining part of the flashing member along the indications in order to transform the respective comer segment from an initial state to a transformed state.

In view of Williams, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have formed the flashing member of Sonneborn et al. with the indication of Williams, as folding a sheet element from a flat form into a separable form is a well-known means of forming a multi-plane element.

As to claim 2, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 1, wherein each said indication comprises a visual indication in the shape of at least one longitudinally extending line or a longitudinally extending row of dots, short sections etc (shown in Williams, Fig. 1).

As to claim 3, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 1, wherein each said indication comprises a weakening section (Williams, lines 62-65, col. 3).

As to claim 4, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 3, wherein said weakening sections includes at least one groove (Williams, lines 62-65, col. 3).

As to claim 5, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 4, wherein said groove is formed by depression (Williams, lines 62-65, col. 3).

As to claim 5, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 3, wherein said weakening sections comprise a longitudinally extending cord member (Williams, 28, 29, 30, Fig. 1) accommodated in the corner segment.

As to claim 7, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 1, wherein the pattern defines one or more indications (Williams, 28, 29, 30, Fig. 1) delimiting an area (Williams, area between 29, 30) of the end portion which, when separation has taken place, thereby can be removed (section is capable of being removed without affecting connection between flanges 25U and 25J).

As to claim 8, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 1, wherein the sheet section has a general longitudinal orientation, the pattern defining at least one indication (30) arranged at an oblique angle relative to the general longitudinal orientation, the oblique indication being directly or indirectly connected to a free edge of the sheet section (shown in Williams, Fig. 1).

As to claim 9, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 1, wherein the sheet section includes a main portion (see marked figure) and the first and second end portions define first and second corner segments (see marked figure), the main portion comprising an upstanding flange (see marked figure) and the first and second corner segments comprising first and second flanges (see marked figure) arranged substantially perpendicularly to the upstanding flange, the flanges being adapted to engage a longitudinal surface portion of a roof penetrating building structure as well as its associated corner portions.

As to claim 10, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 9, comprising a skirt element (see marked figure) which can be adapted to engage an upper roof surface.

As to claim 11, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 9, wherein the first corner segment comprises an indication (see marked figure) arranged across the width thereof and generally perpendicularly to the general longitudinal orientation, and wherein the second corner segment comprises first and second indications (Williams, 28, 29, Fig. 1) defining a portion, and a third indication (Williams, 30, Fig. 1) arranged at an oblique angle relative to the general longitudinal orientation and connected to said portion.

As to claim 12, Sonneborn et al., in view of Williams, disclose a sheet flashing member as defined in claim 10, wherein the first corner segment comprises an indication ((see marked figure) arranged across the width thereof and generally perpendicularly to the general longitudinal orientation, and wherein the second corner

Art Unit: 3600

segment comprises first and second indications (Williams, 28, 29, Fig. 1) defining a portion, and a third indication (Williams, 30, Fig. 1) arranged at an oblique angle relative to the general longitudinal orientation and connected to said portion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNTER M. DREIDAME whose telephone number is (571)272-5177. The examiner can normally be reached on Monday - Friday 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter M Dreidame/
Examiner, Art Unit 3633
/Robert J Canfield/

Application/Control Number: 10/539,294
Art Unit: 3600

Page 8

Supervisory Patent Examiner, Art Unit 3635